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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,744	03/17/2004	Jeffrey K. Burne		6897

7590 09/07/2007  
ROBERT J. SCHAAP  
Suite 188  
21241 Ventura Boulevard  
Woodland Hills, CA 91364

EXAMINER
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GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2614

MAIL DATE	DELIVERY MODE
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09/07/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/803,744

Applicant(s)

BURNE, JEFFREY K.

Examiner

Gerald Gauthier

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2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claim(s) 1-11** are rejected under 35 U.S.C. 102(e) as being anticipated by Cheston III et al (US 6,529,940 B1).

Regarding **claim(s) 1**, Cheston discloses a method enabling algorithm for enabling a networking of people with differing communication links (column 1, lines 12-17), said method enabling algorithm comprising:

- a) receiving either of a telephone communication or an e-mail communication from first individual attempting to contact a second individual who is a member of a group of networking people (column 6, lines 16-30);
- b) establishing an e-mail communication link with the second individual to communicate with the first individual (column 6, lines 16-30);
- c) providing a voice translation of a message the second individual presents over the e-mail (column 6, lines 48-64);

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d) sending the translation of the e-mail message via voice to the first individual (column 17, lines 2-16);

e) converting voice messages from the first individual to an e-mail translation (column 6, lines 48-64);

and

f) sending the translation of the voice message to the second individual (column 6, lines 48-64).

Regarding **claim(s) 2 and 7**, Cheston discloses a method enabling algorithm for enabling a networking of people with differing communication links further characterized in that the networking comprises enabling people to meet one another on a personal social basis (column 17, lines 26-16).

Regarding **claim(s) 3 and 8**, Cheston discloses a method enabling algorithm further characterized in that said algorithm comprises: steps for enabling individuals to access a database containing biographies of other individual members of a group of networking people (column 17, lines 17-25).

Regarding **claim(s) 4, 9 and 11**, Cheston discloses a method enabling algorithm further characterized in that cost for using a networking group of the networking people is based on certain uses arising out of use of the algorithm (column 17, lines 26-37).

Regarding **claim(s) 5 and 10**, Cheston discloses a method enabling algorithm further characterized in that said method enabling algorithm comprises: steps to validate message delivery (column 17, lines 26-37).

Regarding **claim(s) 6**, Cheston discloses a method enabling algorithm for enabling a networking of people which allows for private communication or separately group communication (column 1, lines 12-17), said method enabling algorithm comprising:

a) accessing a communication by an individual in a networking group of such individuals who is desirous of meeting and contacting other individuals of said networking group (column 6, lines 16-30);

b) determining from said communication if the individual initiating the communication is desirous of a private communication or a communication with individuals of a group of such individuals simultaneously (column 6, lines 48-64); and

c) causing initiation of communication with the individual initiating the communication with the group if so selected by the initiating individual (column 17, lines 2-16).

**Conclusion**

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/  
Primary Examiner  
Art Unit 2614

/GG/  
August 28, 2007